

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 964 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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M/S. PARI ARVIND KUMAR MANGALDAS

Versus

BHAGWANDAS THAKURLAL SHAH

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Appearance:

MR MB GANDHI for Petitioners

None present for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/11/1999

ORAL JUDGEMENT

1. Challenge has been made by the defendantspetitioners to the order of the City Civil Court, Ahmedabad dated 25-11-1994 in Summary Suit No. 2146 of 1992 under which conditional leave to defend has been granted to them on depositing a sum of Rs.10,000/-.

2. One of the contentions raised is that this order is a cryptic order.

3. I have gone through this order and find that the court has not given out any reasons in support of its this order. Grant of leave conditionally in summary suit is a serious matter and before doing so, the court has to consider all the aspects of the matter and then to pass a reasoned order.

4. In the result, this civil revision application succeeds and the same is allowed. The order dated 25-11-1994 of the City Civil Court, Ahmedabad passed in Summary Suit No.2146 of 1992 is quashed and set aside. The trial court is directed to pass fresh order after giving an opportunity of hearing to the parties concerned. Rule is made absolute.

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zgs/-